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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

Case No. **2013-52**

13 **PRINCESS AMEERAH BROWN**

STATEMENT OF ISSUES

14 **Registered Nurse License Applicant**

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
20 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about November 29, 2011, the Board of Registered Nursing, Department of
23 Consumer Affairs received an application for a Registered Nurse License from Princess Ameerah
24 Brown (Respondent). On or about October 26, 2011, Princess Ameerah Brown certified under
25 penalty of perjury to the truthfulness of all statements, answers, and representations in the
26 application. The Board denied the application on April 10, 2012.

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JURISDICTION

3. This Statement of Issues is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2736 of the Code provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

STATUTORY PROVISIONS

5. Section 475 of the Code states:

(a) ~~Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:~~

(1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

(2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits.

6. Section 480 of the Code states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

1 (3)(A) Done any act that if done by a licentiate of the business or profession
2 in question, would be grounds for suspension or revocation of license.

3 (B) The board may deny a license pursuant to this subdivision only if the
4 crime or act is substantially related to the qualifications, functions, or duties of the
5 business or profession for which application is made.

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7 7. Section 493 of the Code states:

8 Notwithstanding any other provision of law, in a proceeding conducted by a
9 board within the department pursuant to law to deny an application for a license or to
10 suspend or revoke a license or otherwise take disciplinary action against a person who
11 holds a license, upon the ground that the applicant or the licensee has been convicted
12 of a crime substantially related to the qualifications, functions, and duties of the
13 licensee in question, the record of conviction of the crime shall be conclusive
14 evidence of the fact that the conviction occurred, but only of that fact, and the board
15 may inquire into the circumstances surrounding the commission of the crime in order
16 to fix the degree of discipline or to determine if the conviction is substantially related
17 to the qualifications, functions, and duties of the licensee in question.

18 As used in this section, "license" includes "certificate," "permit," "authority,"
19 and "registration."

20 8. Section 2761 of the Code states:

21 The board may take disciplinary action against a certified or licensed nurse or
22 deny an application for a certificate or license for any of the following:

23 (a) Unprofessional conduct, which includes, but is not limited to, the
24 following:

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26 (f) Conviction of a felony or of any offense substantially related to the
27 qualifications, functions, and duties of a registered nurse, in which event the record of
28 the conviction shall be conclusive evidence thereof.

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30 9. Section 2765 of the Code states:

31 A plea or verdict of guilty or a conviction following a plea of nolo contendere
32 made to a charge substantially related to the qualifications, functions and duties of a
33 registered nurse is deemed to be a conviction within the meaning of this article. The
34 board may order the license or certificate suspended or revoked, or may decline to
35 issue a license or certificate, when the time for appeal has elapsed, or the judgment of
36 conviction has been affirmed on appeal or when an order granting probation is made
37 suspending the imposition of sentence, irrespective of a subsequent order under the
38 provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his
or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
guilty, or dismissing the accusation, information or indictment.

REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1444 states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

11. California Code of Regulations, title 16, section 1445 states:

(a) When considering the denial of a license under Section 480 of the code, the board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

FIRST CAUSE FOR DENIAL OF APPLICATION

(July 28, 2004 Criminal Conviction for Attempted Identity Theft on December 27, 2003)

12. Respondent's application is subject to denial under sections 480, subdivision (a)(1) and 2761, subdivision (f) of the Code in that she was convicted of a crime that is substantially related to the qualifications, duties, and functions of a registered nurse. The circumstances are as follows:

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1 a. On or about July 28, 2004, in a criminal proceeding entitled *State of*
2 *Washington vs. Princess Brown*, in King County Superior Court, case number 04-1-00494-9,
3 Respondent entered a plea of guilty to violating Revised Code of Washington (RCW) 9.35.020
4 and 9A.28.020, attempted identity theft in the second degree, a misdemeanor.

5 b. As a result of the plea, on or about October 18, 2004, the court entered
6 judgment. The sentence against Respondent was deferred for a period of 12 months, and
7 Respondent was ordered to serve two days in the Kings County Jail, with credit for two days.
8 Respondent was further ordered to pay restitution in the amount of \$1,000, complete 80 hours of
9 community service, pay court fees and fines, and comply with probation terms. On or about June
10 14, 2005, the court granted Respondent's motion to set aside and vacate the judgment.

11 c. The facts and circumstances that led to the conviction are that on or about
12 December 27, 2003, Respondent entered a Home Depot store in Seattle and requested to open a
13 credit card account. Respondent filled out a credit application in the name of another woman (the
14 victim), and used the victim's date of birth and social security number. Respondent signed the
15 application using the victim's name, and presented a Washington State driver's license bearing
16 the victim's information and Respondent's photograph. A Home Depot security officer
17 recognized the identification as being fraudulent, detained Respondent, and notified the Seattle
18 Police Department. Respondent told the police officer that she was in too much debt, so she
19 purchased the false identification from a person named "James" for \$300. It was Respondent's
20 intention to buy property under the stolen identity and sell it to people at a lower price for cash.
21 The victim of the identity theft was contacted. She did not know Respondent and she did not give
22 Respondent permission to use her personal information on a fraudulent driver's license, or to
23 apply for credit using her name and social security number.

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